

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25432 PERMIT 17786 LICENSE

**ORDER APPROVING REDISTRIBUTION OF STORAGE,
A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 17786 was issued to Buttes Gas and Oil Company on November 26, 1979 pursuant to Application 25432.
2. Permit 17786 was subsequently assigned to Juliana Vineyards.
3. Petitions for redistribution of storage and an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (Board).
4. Permittee, under the Board's Water Conservation Program, is considered an agricultural water user and is required to perform an irrigation system evaluation.
5. The permit shall be conditioned to reflect terms set forth in the Board's letter dated March 3, 1993.
6. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
7. The petitioned change(s) would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 5 of the permit be amended to read:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1,560 acre-feet (af) per annum to be collected from November 1 to April 30 of the succeeding year. The amount of stored water shall be distributed as follows:

- 1) 1,139 af, in "Big Lake" (Dick Week) Reservoir;
- 2) 27 af, "Upper Twin" Reservoir;
- 3) 85 af, "Lower Lake" Reservoir;
- 4) 240 af, in "Turkey Ranch" Reservoir; and
- 5) 69 af, in "Iron Corral" Reservoir.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The total maximum rate of diversion to offstream storage shall not exceed 24.5 cubic feet per second under this permit, permit issued pursuant to Application 24045, and under licenses issued pursuant to Applications 20060 and 20061.

(0000005)

2. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 1995 (0000008)

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 2001 (0000009)

3. Condition 24 be added as follows:

Prior to making a request for license or before license action will be considered by the State Water Resources Control Board, permittee shall consult with the Division of Water Rights and perform an irrigation system evaluation. A report on the evaluation shall be prepared by a person trained or experienced in irrigation system design and management and shall be submitted to the Board for approval.

All cost-effective water conservation measures identified in the irrigation system evaluation report shall be implemented prior to issuance of a license. (000029C)

4. Condition 25 be added as follows:

To enhance wildlife habitat permittee shall continue to implement the July 19, 1991 Revegetation Program. A minimum of 520 trees shall be planted. To be considered successful, each plant must be self-sustaining for at least three years. If mortality causes the number of plants to decline below a target survival rate of 75 percent, new plants shall be planted until the minimum 75 percent sustainable survival rate is attained.

An annual report on the status and success of the revegetation program shall be submitted to the State Water Resources Control Board for the successive three years from the issuance of this order, or until the 75 percent survival rate is attained; whichever is later. After completion of the tree planting program, photo documentation showing the trees and the stream corridor shall be submitted to the Chief of the Division of Water Rights. (0490500)

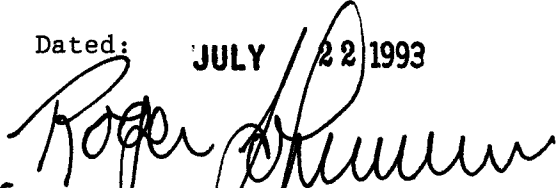
5. Condition 26 be added as follows:

For the passage and protection of wildlife in the area, permittee shall not clear native vegetation, construct fencing, or otherwise disturb the existing drainage of stream channels for a minimum lateral distance of 50 feet from the top of the bank on each side of any blue-line streams denoted on the USGS St. Helena and Aetna Springs 7.5 minute quad maps. This condition shall apply to all vineyard development subsequent to this order. (0400500)

6. Condition 27 be added as follows:

No construction shall be commenced, and no water shall be used, under this permit until all necessary Napa County approvals have been obtained for each vineyard stage of development. A copy of the County's approval, and any erosion control or vegetation preservation plans shall be submitted to the Chief of the Division of Water Rights. (0400300)

Dated: JULY 22 1993


161 Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25432

PERMIT 17786

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
CHANGE IN DISTRIBUTION OF STORAGE,
ADDITION OF A POINT OF REDIVERSION,
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use and a petition to change distribution of storage and add a point of rediversion have been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said change.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1990 (0000009)

2. Paragraph 2 of this permit regarding points of diversion and rediversion is amended to read as follows:

DIVERSION TO OFFSTREAM STORAGE:

1. POPE CREEK: South 4,480 feet and West 2,410 feet from the NE corner of Section 9, T9N, R5W, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

STORAGE AND REDIVERSION

2. DICK WEEK RESERVOIR: North 300 feet and East 1,200 feet from W $\frac{1}{4}$ corner of Section 10, T9N, R5W, MDB&M, being within SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 9.
3. UPPER TWIN LAKE: South 3,300 feet and West 2,480 feet from NE corner of Section 9, T9N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.
4. LOWER TWIN LAKE: South 3,630 feet and West 1,920 feet from NE corner of Section 9, T9N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

5. LONG VALLEY WEST RESERVOIR: South 2,675 feet and East 1,750 feet from NW corner of projected Section 8, T9N, R5W, MDB&M, being within the NE¼ of SW¼ of said Section 8,
 6. TURKEY RANCH RESERVOIR: North 2,300 feet and East 1,050 feet from SW corner of projected Section 17, T9N, R5W, MDB&M, being within NW¼ of SW¼ of said Section 17.
 7. IRON CORRAL RESERVOIR: North 530 feet and West 640 feet from the E¼ corner of Section 10, T9N, R5W, MDB&M, being within the SE¼ of NE¼ of said Section 10.
3. Paragraph 10 of this permit is deleted. A new paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: OCTOBER 24 1986

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
~~THE ASSOCIATED PRESS~~
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25432

PERMIT 17786

LICENSE _____

ORDER APPROVING A CHANGE IN DISTRIBUTION OF STORAGE,
ADDING POINTS OF REDIVERSION, AND STORAGE
AND AMENDING PERMIT

WHEREAS:

1. A petition to change distribution of storage and add points of rediversion and storage on unnamed streams tributary to Pope Creek has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this permit regarding points of diversion and rediversion is amended to read as follows:

Diversion of Offstream Storage

Pope Creek: South 4,480 feet and West 2,410 feet from NE corner of Section 9, T9N, R5W, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

Storage and Rediversion

Big Lake (Dick Week Reservoir): North 300 feet and East 1,200 feet from W $\frac{1}{4}$ corner of Section 10, T9N, R5W, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 10.

Upper Twin Lake: South 3,300 feet and West 2,480 feet from NE corner of Section 9, T9N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

Lower Twin Lake: South 3,630 feet and West 1,920 feet from NE corner of Section 9, T9N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9.

Long Valley West Reservoir: South 2,675 feet and East 1,750 feet from NW corner of Projected Section 8, T9N, R5W, MDB&M, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 8.

Turkey Ranch Reservoir: North 2,300 feet and East 1,050 feet from the SW corner of Projected Section 17, T9N, R5W, MDB&M, being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 17.

2. Paragraph 22 is added to this permit as follows:

The total amount of water diverted under this permit, together with that diverted under licenses and permit issued pursuant to Applications 11236, 14024, 15164, 16267, 20060, 20061, 24045 and 26299 to the places of storage under the above licenses and permits from Pope Creek shall not exceed 3,856 acre-feet per annum.

(0000114)

3. Paragraph 23 is added to this permit as follows:

The maximum withdrawal from storage in any one year under this permit and licenses and permit issued pursuant to Applications 11236, 14024, 15164, 16267, 20060, 20061, 24045 and 26299 shall not exceed 3,896 acre-feet per annum.

Dated: DECEMBER 20 1983

(0000114)

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17786

Application 25432 of Buttes Gas and Oil Company
1970 Broadway, Oakland, California 94612

filed on July 18, 1977, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

2. Unnamed Stream	Pope Creek
1. Pope Creek	Lake Berryessa thence
	Putah Creek thence
	Yolo By-Pass

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
1. Diversion to Offstream Storage S4480 ft and W2410 ft from NE Corner of Section 9	SW¼ of SE¼	9	9N	5W	MD
2. Storage and Rediversion N300 ft and E1200 ft from W¼ Corner of Section 10	SW¼ of NW¼	10	9N	5W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Recreational						
Stockwatering	Dick Week Reservoir in SW¼	3	9N	5W	MD	
	E½ of NE¼	9	9N	5W	MD	
	NW¼	10	9N	5W	MD	
Heat Protection						
Frost Protection						
Irrigation	A net area of 2,000 acres within a gross area of 4,500 acres within Sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 17, 18, 20, 21, 22, and 27					
			9N	5W	MD	
			10N	5W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1560 ACRE-Feet per annum to be collected from November 1 of each year to April 30 of the succeeding year.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE TOTAL MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 24.5 CUBIC FEET PER SECOND UNDER THIS PERMIT, PERMIT ISSUED PURSUANT TO APPLICATION 24045 AND UNDER LICENSES ISSUED PURSUANT TO APPLICATIONS 20060 AND 20061. (000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

~~8. Said construction work shall be completed on or before~~

7. ~~9.~~ Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1984. (000009)

8. ~~10.~~ Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)

9. ~~11.~~ Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)

10. ~~12.~~ Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000012)

11. ~~13.~~ The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)

12. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (000020)

13. PERMITTEE SHALL MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (0056043)

14. STORAGE OF WATER SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT OF WATER RESOURCES HAS APPROVED PLANS AND SPECIFICATIONS FOR THE DAM. (0360048)

15. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE SITE OF THE RESERVOIR OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES. (0120050)

16. FOR THE PROTECTION OF FISH AND WILDLIFE IN POPE CREEK, PERMITTEE SHALL DURING THE PERIOD FROM NOVEMBER 1 THROUGH APRIL 30 BYPASS A MINIMUM OF 10 CUBIC FEET PER SECOND. THE TOTAL STREAMFLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD. (0140060)

17. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE IN POPE CREEK, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOW REQUIRED BY THE CONDITIONS OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED. (0060062)

18. IN ACCORDANCE WITH SECTION 1603 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL THE DEPARTMENT OF FISH AND GAME HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE IN POPE CREEK HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE. (0000063)

19. PERMITTEE IS HEREBY PUT ON NOTICE THAT THERE MAY BE YEARS WHEN WATER COLLECTED TO STORAGE UNDER THIS PERMIT WILL NOT BE WITHIN THE RESERVATION OF WATER ESTABLISHED FOR THE WATERSHED UPSTREAM FROM MONTICELLO RESERVOIR IN DECISION D 869. DURING SUCH YEARS, UNLESS REPLACEMENT WATER IS PROVIDED ON AN EXCHANGE BASIS, PERMITTEE SHALL RELEASE WATER COLLECTED TO STORAGE UNDER THIS PERMIT DURING THE PRECEDING COLLECTION SEASON AT THE MAXIMUM PRACTICAL RATE TO FLOW INTO MONTICELLO RESERVOIR. (0220087)

20. THE PERMITTEE SHALL IMPLEMENT THE ARCHEOLOGICAL MITIGATION MEASURES DESCRIBED IN THE FINAL ENVIRONMENTAL IMPACT REPORT "BUTTES FARMLAND DEVELOPMENT COMPANY TIMBER HARVEST AND WATERCOURSE OBSTRUCTION/RIPARIAN COVER PERMIT APPLICATIONS COUNTY OF NAPA, CALIFORNIA". (0400500)

21. THE TOTAL QUANTITY OF WATER DIVERTED UNDER THIS PERMIT, PERMITS ISSUED PURSUANT TO APPLICATIONS 16267, 20061, 24045 AND UNDER LICENSES ISSUED PURSUANT TO APPLICATIONS 11236, 14024 AND 15164, SHALL NOT EXCEED 3560 ACRE-FEET. (0000114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOVEMBER 26 1979

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit
for CHIEF, DIVISION OF WATER RIGHTS